

LANDER COUNTY LEPC APPEAL SEQUENCE OF EVENTS:

1. January 26, 2009, LEPCs were e-mailed notifying the FY2010 SERC grant application had been posted to the SERC website, noting the March 13, 2009 due date;
- 2 Monday, March 16, 2009, SERC staff received phone call from Mark Bennett (shortly after 8:00 a.m.) stating there had been an oversight and the envelope containing the SERC grant application did not get postmarked on Friday, March 13th. Mark shared both he & the other LEPC Co-Chair, Mark Langston, were out of town on Friday. He indicated the application was left at the County offices for signature and mailing.
3. March 24, 2009, the Planning & Training Subcommittee, and Funding Committee met to review SERC grant applications. Lander LEPC was found to be in compliance; however their application was postmarked on March 16th, therefore the recommendation to SERC was to deny funding the application;
- 4 At the April 9, 2009 SERC meeting, Mark Bennett addressed the Commission regarding the late submittal of their grant application. The SERC denied funding the grant application;
5. LEPC was sent a letter, dated April 17, 2009, notifying them the SERC denied funding their FY10 SERC grant application. Appeal information was provided;
6. May 21, 2009, SERC received appellate memorandum from LEPC/County DA office;
 - *Many other applications were incomplete when turned in before the deadline*
 - *Deducting 5-10% from grant or delaying funding*
 - *SERC has turned down other tardy filings in the past*
 - *SERC has duty to help localities meet emergency medical needs*
- 7 On June 8, 2009, letter was sent to LEPC acknowledging receipt of appeal request and notification the appeal would be considered at the July 9, 2009 SERC meeting. Meeting location and time were provided.

Addressing points in appellate memorandum:

INCOMPLETE APPLICATIONS:

- Several incomplete applications were submitted and awarded funds.
SERC policy 8.2-Procedures for open grant cycle applications, allows for this:
 - Item A states “...a copy of the LEPC meeting minutes approving said request and supporting the grant application must be submitted prior to release of grant funds.”
 - Item G states “The SERC may approve amounts of money with contingencies or conditions to be met prior to preparation and funding of the grant award...”
 - Item I states “... The Grant Application, Certified Assurances, Compliance Certification, and Grant Award must be signed and originals returned to the SERC office prior to an award being funded.”
- Lander LEPC submitted incomplete FY09 SERC application in order to meet due date.*

DEDUCT 5-10%:

- Reducing grant awards has been discussed in the past, however with the number of infractions that could occur and weighing each, it was decided against.

DENIAL OF LATE APPLICATIONS:

- SERC has denied funding in the past for late filing of applications.
 - SERC 07 grant applications were due 3/3/06. Lyon LEPC application was received 3/13/06. Appeal denied by SERC.
 - UWS 08 grant applications were due 6/8/07. State Controllers application was received 6/14/07. No appeal filed.

SERC DUTIES:

- SERC has established policies for applying for grant funds to provide equal opportunities for applicants.

Shelley R. Fleming

From: Shelley R. Fleming
Sent: Monday, January 26, 2009 10:22 AM
To: BRENT JONES; CHRIS MAGENHEIMER; CRAIG NIXON; DALE LOTSPEICH; DAN WATTS; ED KILGORE; JEAN LUCHT; JEFF PAGE; JIM O'BRIEN; JOE CURTIS; KEN ELGAN; MARK BENNETT; MARK LANGSTON; MICHAEL REBALEATI; RICHARD WAGNER; RICK STEVER; ROB LOVEBERG; RUSSEL PEACOCK; SCOTT REED; STACEY GIOMI; STEVE ENDACOTT ; STEVE TOGNOLI; TONY HUGES
Cc: AARON KENNESTON; ALAN KALT; BARBIE ALDRICH; CARY JUBINSKY; CATHY LUDWIG; CHAD ODEGAARD; CHERIE NEVIN; DARLEE MOURA; DARLENE THON; DEBBIE ARMUTH; DIANA WALLER; GARY CORONA; HARRIET EALEY; HARRY RAUB; ILIANA VILLEGAS; JOHN LOVELADY; JON HAUGEN; JUDY DIETRICH; KARLA JONES; LISA HOEHNE; MISSY MOLT; PHYLLIS ROBISTOW; ROGENE HILL; RON SKINNER; SARAH MILLER; STEVE COCHRANE; TAMMY JAMES
Subject: SERC GRANT APPLICATION KIT
Attachments: Coversheet 2010 SERC kit.doc

Please find attached the cover letter which briefly explains the SERC application kit for 2010. The application kit has been posted on our website <http://www.serc.nv.gov/grants.htm>. Please note the deadline of March 13, 2009. Also the equipment list is from last grant cycle and will be updated once the new list is received from the vendor.

If you have any questions or need assistance, please let me know.

Shelley Fleming, Grants & Projects Analyst
State Emergency Response Commission
2621 Northgate Lane, Suite 10
Carson City, NV 89706
775-687-5362
775-687-8798 Fax
sfleming@dps.state.nv.us

6/16/2009

JIM GIBBONS
Governor

STATE OF NEVADA



RICHARD BRENNER
Co-Chair
(702) 455-7316

JAMES WRIGHT
Co-Chair
(775) 684-7500

EMERGENCY RESPONSE COMMISSION

2621 Northgate Lane, Ste. 10,
Carson City, NV 89706
(775) 687-6973
Fax: (775) 687-8798

January 26, 2009

Re: FY 2010 SERC Grant Application

Dear Nevada LEPCs,

The application kit for the FY 2010 SERC Planning, Training, Equipment, and Operations grant has been posted on the Nevada SERC website, www.serc.nv.gov. Please read the entire application, complete all forms and provide information in the format as outlined. The grant period will be July 1, 2009 to June 30, 2010. Funds may only be used for obligations incurred during this time period.

The application is due in this office or postmarked by **March 13, 2009**.

The application should be prepared to include planning, training and/or equipment goals and needs for the year. Please round up final totals.

Application for funding must relate to prevention of, mitigation of, and/or response to hazardous materials incidents. The maximum grant request is \$30,000. An additional \$4,000 operations grant will be included if the LEPC is administratively compliant. A copy of the LEPC meeting minutes approving said request and supporting the grant application must be submitted prior to release of grant funds (SERC policy 8.2).

The kit includes the Standard Equipment Price List from last grant cycle. Once the updated price list is received from the vendor, you will be notified and a revision will be posted on our website.

If you need assistance or have any questions, please do not hesitate to contact me.

Sincerely,

Shelley

State of Nevada

EMERGENCY RESPONSE COMMISSION

Planning, Training and Equipment Grant Application Kit Fiscal Year 2010

**The completed application must be
delivered to this office or postmarked by
March 13, 2009**

**2621 Northgate Lane, Suite 10
Carson City, NV 89706
(775) 687-6973**

STATE OF NEVADA
STATE EMERGENCY RESPONSE COMMISSION
SERC Grant Application Kit

The SERC has developed this application kit as a procedure to apply for the FY10 SERC Planning, Training, and Equipment Grant for Local Emergency Planning Committees (LEPCs). Application and award of grants are managed pursuant to SERC policy 8.2.

The grant project period is July 1, 2009 to June 30, 2010. The source of funding is derived from fees collected from SARA Title III facilities within the State that store and/or produce hazardous materials in specified amounts. As these are State funds, there is no CFDA number associated with this grant.

Grant funds will be distributed on a reimbursement basis. The LEPC may request advance funding for expenses over \$2,000, see SERC policy 8.5.

NOTE: Please use a 12-point font format and do not use all CAPS.

The format is as follows:

- I. **Goals** - Identify what the LEPC would like to accomplish if awarded this grant. Provide detailed proposed planning, training and equipment needs, and goals for the year July 2009 through June 2010. *Limit this section to 3 pages*
- II. **Objectives** - Identify the specific approaches focusing on methods used to achieve the goals. Objectives need to be specific and measurable. Examples of objectives are as follows:
 - Planning** – Hire a consultant to (specify brief scope of work) This will be achieved by (specify date)
 - Training** – Send (specify number) of persons to the (specify training or conference) to achieve (desired results to benefit the LEPC) by (specify date)
 - Equipment** – Obtain (specify piece of equipment) by (specify date) to enable the LEPC to achieve (insert outcome)
- III. **Line Item Budgets** The grant request shall be for not more than \$30,000.

Keep planning, training and equipment requests separated from one another. This section must consist of a simple line item budget. List the item requested, the number of the items requested, the price (include shipping as appropriate), subtotals as needed for clarification, a total by category, and a Final Total (rounded up).

An additional \$4,000 of operation funds will be included as a category within the SERC grant (or awarded separately if no application is submitted) if the LEPC is administratively compliant. The purpose of these funds is to provide for LEPC members to attend LEPC and SERC meetings as well as operation costs. This amount does not need to be justified in the application unless a portion of the operation

funding, no more than 50%, is requested for clerical assistance.

IV. Budget Narrative - Explain requests in detail and justify all costs.

Items listed as "miscellaneous" or "other" will not be considered.

Requests to contract with a consultant must include at least two (2) competitive bids, or request for a sole source consultant/contractor. The bids must include an itemized quote and scope of work from the consultant/contractor, see SERC policy 8.2.

All training requests for other than conferences must first be made through the State Fire Marshal's Office (SFM). If the SFM declines to provide the training, the request for funding may be included in the SERC grant application, along with the SFM letter of declination.

Location of training, how many days, proposed starting and ending times in travel status, transportation and per diem costs must be justified. Provide a detailed description of what the funds will be used for, i.e. personnel travel, registration fees, cost of instructors, etc.

All lodging and per diem rates shall be requested in accordance with the amounts paid by local entities, not to exceed the General Service Administration (GSA) rates found at www.gsa.gov; as adopted by the State of Nevada found in the State Administrative Manual (SAM), [http://budget.state.nv.us/SAM/Travel Chapter](http://budget.state.nv.us/SAM/Travel%20Chapter); and further defined by SERC in Policy 8.5. There will be no deviations from the assigned rates unless specifically addressed in SAM or SERC policies. These rates are applicable to in-state and out-of-state travel. These rates are divided between lodging and per diem and may differ depending on travel destination and time of year. Travelers must be at least 50 miles from their duty station to receive reimbursement for meals. Lodging will be reimbursed as designated by GSA at the area specific rate plus taxes, fees, and surcharges.

Mileage will be reimbursed at the 2009 State rate of \$0.55 per mile. If a personal vehicle is used for the employee's/traveler's convenience, the reimbursement will be reduced to \$0.275 per mile. Airport parking and ground transportation are also reimbursable upon presentation of receipts. Rental or Motor Pool cars must be specifically requested and approved by the SERC.

Travel begins from the time a person leaves their workstation and ends when they arrive at their workstation and must be listed on the Travel Claim form.

Enclosed is the Standard Equipment Price List from last grant cycle. This list will be updated and the revision posted, once the new list is received from the vendor. Remember to include the cost of shipping as appropriate. Equipment purchases can be approved at the specified price allowing the county to pay a higher price for a more advanced item of the same type; however additional funds must come from another source. Equipment requests exceeding the price on the list must be accompanied by a quote from the vendor and a justification of the increased cost. Equipment not on the list must be accompanied by a justification of need for the purchase, and quote from the vendor.

The Application, Certified Assurances, Compliance Certification, and Grant Award must be signed and the originals returned to the SERC office, as well as a copy of the LEPC meeting minutes approving the request and supporting the grant application, prior to an award being funded.

Technical assistance is available from the SERC staff. Please call (775) 687-6973 if further assistance is required.

The Original Grant Application must be delivered to this office or postmarked by March 13, 2009:

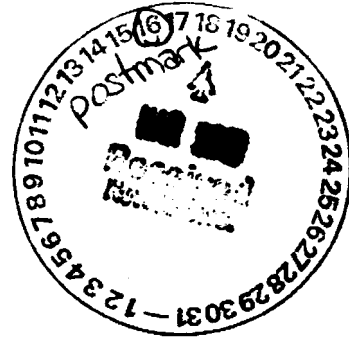
State Emergency Response Commission
2621 Northgate Lane, Suite 10
Carson City, NV 89706

Please be prepared to make a presentation of the grant application to the Planning & Training Sub-Committee and Funding Committee. The date and location of the meetings will be announced.

Lander County



P.O. Box 1625
Battle Mountain, Nevada 89820
775-635-1100 Ex.224



10 March 2009

Karen Pabón, Executive Director
Nevada State Emergency Response Commission
2621 Northgate Lane, #10
Carson City, NV 89706

**RE: Lander County Local Emergency Planning Committee Application for
FY2010 SERC Planning, Training, and Equipment (PTE) Grant**

Dear Ms. Pabón

Lander County LEPC is pleased to submit the attached application for consideration of a SERC FY2010 PTE grant. The application package details an inventory of response equipment that would outfit two hazardous materials response trailers obtained with funds from the 2009 PTE grant.

In correspondence dated March 3rd, 2009, Lander County LEPC provided the SERC with a copy of the Emergency Operation Plan, Letter of Promulgation. With that submittal, it is our understanding that we are fully compliant with SERC Policy and have satisfied the Planning and Training Subcommittee finding.

If you have any questions or require additional information, please feel free to contact me at 775.635.6649.

Sincerely,

Mark Bennett
Lander County LEPC Chair Person

Attachments: see Check Sheet
cc: Mark Langston; Kathy Ancho

State Emergency Response Commission
2621 Northgate Lane, Suite 10, Carson City, NV 89706
(775) 687-6973 Fax: (775) 687-8798

RECEIVED

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Nevada
SERC

Application Title Page

Applicant Lander County Local Emergency Planning

Agency: Committee

Address: PO Box 1625

City: Battle Mountain

Zip 89820

Phone No. (775) 635-1100

FAX No. (775) 635-2577

E-mail Address:

mark.bennett@newmont.com

Name of LEPC

Chair: Mark Bennett

Fiscal Officer: Rogene Hill

Phone No: (775) 635-2573

Fax No. (775) 635-5332

Budget Summary

Planning	Training	Equipment	TOTAL
\$---0---	\$---0---	\$ 28,262.34	\$ 28,262.34

LOCAL EMERGENCY PLANNING COMMITTEE APPROVAL

On behalf of the Local Emergency Planning Committee I certify this body has reviewed the grant application and agree to abide by the Federal and State procedures which are related to the acceptance of funds.


(Signature LEPC Chair)

10 MARCH 2009
Date:

GOVERNING BODY APPROVAL: (i.e. County Commissioner, County Manager)

The Local Emergency Planning Committee has the approval to apply for funding through this grant.


(Signature)

3/12/09
Date:

CHUCK CHAPIN, LC COMMISSION CHAIR
(Print Name & Title)

JIM GIBBONS
Governor

STATE OF NEVADA



RICHARD BRENNER
Co-Chair
(702) 455-7316

JAMES WRIGHT
Co-Chair
(775) 684-7500

EMERGENCY RESPONSE COMMISSION

2621 Northgate Lane, Suite 10
Carson City, NV 89706
(775) 687-6973
Fax: (775) 687-8798

April 17, 2009

Mark Bennett, LEPC Co-Chair
Lander County LEPC
PO Box 1625
Battle Mountain NV 89820

Ref: FY10 SERC Grant application

Dear Mark,

The SERC, at its April 9, 2009 meeting, denied funding the Lander County LEPC's application for a FY10 SERC grant. The decision was based on the fact the grant application was postmarked March 16, 2009. As stated in the cover letter and instructions within the grant application kit, the deadline was March 13, 2009.

Pursuant to SERC policy 8.12, you have the option to appeal this decision by submitting a written appeal and supporting documentation to the Executive Director within 35 days of the date of this letter. Please keep in mind SERC policy 8.13 requires the appeal be received with an original signature of the LEPC Co-Chair.

This decision applies only to the equipment portion of the FY10 SERC grant. Since Lander County LEPC is administratively compliant, \$4,000 in operation funds from this grant will be awarded. The United We Stand (UWS) and HMEP grants are other funding sources you are eligible to apply for when they become available.

If you have any questions or need assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shelley", written over a horizontal line.

Shelley Fleming
Grants & Projects Analyst

C: Mark Langston, LEPC Co-Chair

Hy T. Forgeron
DISTRICT ATTORNEY

William E. Schaeffer
DEPUTY



Elizabeth Barela
OFFICE MANAGER
CRIMINAL LEGAL SECRETARY

Juanita Holwerda
LEGAL SECRETARY

Jenny Martin
CIVIL SECRETARY

**DISTRICT ATTORNEY
LANDER COUNTY, NEVADA**

315 S. Humboldt
P.O. Box 187
Battle Mountain, Nevada 89820
(775) 635-5195
Facsimile (775) 635-8209

APPELLATE MEMORANDUM



TO: Karen Pabon, Executive Director
State Emergency Response Commission (SERC)
2621 Northgate Lane, Suite 10
Carson City, NV 89706
Phone: 775-687-6964; Fax: 775-687-8798

FROM: William E. Schaeffer, Assistant D.A., Lander County, Nevada

RE: State Emergency Response Commission (SERC) Grant Denial

DATE: Tuesday, May 19, 2009

On April 9th a meeting was held by the State Emergency Response Commission (SERC). At that meeting, Lander County's LEPC had a pending application for a grant considered. The letter of SERC denying that grant was dated April 17, 2009. This Memorandum shall serve as a request for reconsideration and an appeal of that denial.

NRS 459.740 gives the SERC authority to make regulations to carry out its duties. AGO 80-23 (5/16/1980) notes that an administrative agency has the power to grant itself authority in its applicable administrative code (subject to the laws regarding administrative codes generally) to allow hearings, re-hearings or other means of reconsideration. There does not appear to be anything which requires an agency to properly denominate such reconsideration and therefore no explicit requirement that it not be called an appeal (though this is clearly a misuse of the word appeal because an appeal is directed to another entity as in an appeal to the Supreme Court or biblically: "I appeal to Caesar"). In any event, the soliloquy about "a rose by any other name" would seem to apply and therefore the "appeal" process in NAC 459.99189 would appear to be a valid exercise of the reconsideration authority inherent in any state administrative agency (as discussed in AGO 80-23).

This writer has been told that the SERC Board members seemed to want to waive the tardiness of the Lander County LEPC's application; but Senior Deputy A.G., Glade Myler, pointed out firmly that if that were done, then no one would pay any attention to the rules. He stuck to this view point even though it was noted that many other applications

were incomplete when turned in before the deadline whereas, the application turned in by Lander County's LEPC was totally finished and just one business day late. The attitude seemed to be that rules are rules and that, for deterrence sake, the missed deadline must result in a total denial. There was no mention by anyone of a potential lesser penalty – such as deducting 5-10% from the grant or delaying funding. Again, the mention of the many incomplete grants that were filed by the deadline was noted, but did not dissuade enough to cause the board members to approve the grant. However, more than one member suggested that the Lander County LEPC appeal that determination. According to NAC 459.99189(1), the appeal must be filed no later than "...35 days after the *receipt* of notice..." of the SERC Board's determination (emphasis added). The notice was dated April 17th and received no earlier than the 19th. Thus, as long as this appeal is filed by May 22nd, it is timely.

As the accompanying documentation shows, there were several incomplete applications filed by the due date that were granted. This too is against the rules inasmuch as the Certified Assurances (page 8) of the Application states that a copy of said assurances "with original signatures, must accompany the grant application." There is no significant difference appearing in the rules or otherwise that explains why tardiness is sacrosanct but incomplete applications are no problem. If the incomplete applications were turned back for their incompleteness, they too would have been late. The lack of any evidence or reason presented to justify such differential treatment appears to be arbitrary and capricious and therefore an abuse of discretion. See, Bally's Grand Hotel & Casino v. Reeves, 113 Nev. 926, 934-936, 948 P.2d 1200 (1997) citing NRS 233B.135 as well as several previous cases of the Nevada Supreme Court.

It is reported that the Senior Deputy A.G. was concerned because the SERC has turned down other tardy filings in the past. It is possible that the Commission members misconstrued this as inviting appeals or judicial review of those past denials. If that is a concern, it shouldn't be. As noted earlier, the Nevada Administrative Code requires that any request for reconsideration had to be filed with SERC within 35 days of receiving notice of the SERC denial of the grant. NAC 459.99189. The Nevada Administrative Procedure Act provides that petitions for judicial review must be "filed within 30 days after service of the final decision of the agency." NRS 233B.130(2)(c). Since it appears that Lander County was the only LEPC turned down for tardiness in the current session of the SERC, that means that any LEPCs turned down in the past, which have not yet appealed their case(s), are barred from seeking judicial review for failure to comply with the statute regarding judicial review of agency decisions. Accordingly, the only downside to allowing the Lander County LEPC to have the funds applied for, is the possible bad precedent it would set and the problems associated with delaying applications. However, again, there would be no more delay (and probably a lot less) from allowing Lander County's totally complete application that was one business day late as opposed to the delays occasioned by Douglas, Elko, Esmeralda, Humboldt and Lyon Counties in their incomplete applications which the Lander County LEPC hereby asks the SERC to take so called judicial notice of because they appear in the "FY2010 SERC – PLANNING, TRAINING, EQUIPMENT & OPERATIONS GRANT REQUESTS" Chart (faxed copy

attached) and because SERC has those original applications upon which said chart is based.

Additionally, SERC has a duty to try to spend money to help localities meet their emergency medical needs; not to send badly needed funds back to the Federal agencies from which they came. This was noted at the meeting on April 9th. Denying Lander County's LEPC these needed funds goes against the whole purpose of SERC and punishes only the people who are unfortunate enough to become desperately ill or injured in Lander County – which could be virtually anyone who travels by car between Northern California and Utah inasmuch as U.S. 50 and I 80 both pass through Lander County and accidents do happen.

In order to deter tardy or incomplete applications, it is not necessary to resort to the draconian measure of complete denial of a proposed grant. Instead, the Commission may consider lesser measures such as imposing a 5-10% penalty upon the grant request or delaying said request. The implementation of such penalties should however, in all fairness, be implemented hereafter; and even then, only upon notice to the applicants which notice should be contained in the applications themselves. My information indicates that this idea was not suggested by anyone nor considered by SERC at the April 9th meeting. The punishment should fit the crime. A partial penalty or a delay can be made to do that. However, complete denial - under these circumstances - doesn't do that. Rather, it penalizes people who had nothing to do with the infraction and it does so, while letting similarly situated infractions (incomplete applications) off the hook. It must be pointed out in this regard, that there is deterrence in what has already happened. The delay and worry over this proposed grant and the humiliation of the LEPC leadership by having to ask a busy D.A.'s Office to draft an appeal, that could have been easily avoided by just paying attention, is ample deterrence. No one here wants to go through this again and no LEPC that becomes aware of the threat we are facing is likely to want to follow in our tardy footsteps. This is emphatically NOT fun.

Therefore, the current denial, if it is not overturned on this appeal, would be an abuse of discretion because, upon reflection, it is arbitrary and capricious in that it does not treat similarly situated applicants alike and does not explain any reason or appreciable difference for that differing treatment nor does it provide evidence therefor. Accordingly, it is respectfully requested that this Commission reconsider its decision, grant this appeal, and give the Lander County LEPC the full amount of the grant. As a fall back, I propose that the Board consider either a 5-10% penalty for the tardiness or a further delay of the delivery of the grant by an additional 30 days; but approve the rest of the grant. SERC may also want to consider putting into place some sort of less drastic policy that punishes and thereby deters tardiness and incomplete grant applications, but does not punish the public by totally eliminating proposed grants.

In closing, on behalf of the Lander County LEPC, I do apologize for the tardiness of the application. While we do feel that we have been singled out for draconian punishment that does not fit the infraction; we do not in any way excuse our actions. We

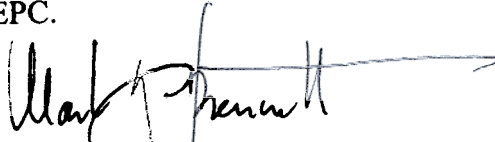
should have gotten this application in on time just as we have done in the past. For that we are sorry and humbly ask your pardon. Please do not punish the people of Lander County for this oversight. Please reinstate the grant. Thank you for your kind consideration of this important matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. E. Schaeffer", with a stylized, flowing script.

William E. Schaeffer
Assistant District Attorney
Lander County, Nevada

As chairman, I hereby concur with and adopt this Appellate Memorandum on behalf of the Lander County LEPC.

A handwritten signature in black ink, appearing to read "Mark Bennett", with a long horizontal line extending to the right.

Mark Bennett, Chairman
Lander County LEPC

COMMITTEE RECOMMENDATIONS IN TEAL

FY2010 SERC - PLANNING, TRAINING, EQUIPMENT & OPERATIONS GRANT REQUESTS

COUNTY	AMOUNT OF REQUEST	COMPLIANT	Reported Level of Response	QUOTE ?	SFM ?	Mtg mins ?	EXPLANATION
Carson City		YES	Type I Technician			Yes	Items in blue were selected from Standard Equipment Price List, & don't require a quote
Operations	4,000.00						\$0 for clerical assistance
Equipment	18,853.00 20,243.00			Yes			Carson City Fire: (1) Buford Thermal Imaging camera; (6) Tiger Cat Contamination assist tables; (12) Iners; RAMP bio-decontamination test kits - (1 ea) Ardrum, Rion, Bokerum, Smallpox, & RAMP training; Quad County haz-mat team; (12) DPE 3 HD protective coveralls; (1) Laptop computer. Recommended increase of \$1,900 for thermal imaging camera. Updated price received after price list was distributed. New total \$20,243
Churchill		YES	Type II Amateur				VERIFY REQUESTED ITEMS ARE APPROPRIATE FOR LEVEL OF RESPONSE
Operations	4,000.00					Yes	No more than \$2,000 for clerical assistance
Equipment	30,000.00			Yes			(1) Pelican remote area lighting system; (2) Indium handheld satellite phones w/battery, solar panel, and 11 year monthly service fee; (6) AED defibrillator packages; (3) Motorola XTS radios w/ cases; (4) Laptop computers. REQUESTED QUOTES FOR SHIPPING CHARGES SAH charges (\$56,72) deducted from grant request per Steve Endicott. Service fee (400.00) deducted from request
Clark	20,583.00	YES	Type II Technician				NEED COUNTY MANAGER SIGNATURE ON GRANT PAPERWORK [mtg scheduled 4/2/09]
Operations	4,000.00					Yes	No more than \$2,000 for clerical assistance
Equipment	30,000.00			Yes			North Las Vegas: (1) Thermal imaging camera; Clark County Fire: (130) GTX Euroline dry suits, Las Vegas Metro: (1) MultiPac plus air monitor w/PD for use with remotely operated vehicle which is assigned to SWAT. Las Vegas Metro will cover the costs that exceed \$30,000
Douglas		NO	Type II Technician				Need Affidavit of Publication & Membership list - published, but affidavit not received from newspaper yet.
Operations	4,000.00					Yes	No more than \$2,000 for clerical assistance
Equipment	29,924.00			Yes			East Fork Fire: (2) Air monitor calibration gas; (2) Replacement air monitor sensors; (1) MultiPac P10 Monitor; (3) Compact collection pools; (6) Elevation platforms; (1) Laptop computer & printer; TahoeDouglas Fire: (3) SpCo monitors(Makino Rad-57); Douglas Sheriff: (2) MSPD air monitors - for use with Tri-Net for Canine line labs & marijuana grows.
Elko	24,174.00	NO	Type II Operations				Calibration gas (\$200.00) and Replacement sensors (\$200.00) Deducted from request Need: NRI-1A; Training schedule; Updated table of contents for Plan; Level of Response & Attachment; & Membership list
Esmeralda		NO					Need: NRI-1A; Training schedule; Level of Response & Attachment; Equipment list; Letter of promulgation; Exercise report
Operations	4,000.00					Yes	\$0 for clerical assistance
Equipment	30,000.00			Yes			Alternate dispatch system including: (2) C-surf 12 line dispatch position basic console; (2) Foodswitch DPOT MDL-FA-1; (1) IP-223 Ethernet remote panel; (1) HB-3 plus US headset/boom mic adaptor; (2) Headsets w/15' cord & PTT switch; (1) PTP 484.00 LITE computerised LINK COMP-ETE; New grounding, cable entry port, cable hangers, LDR-4 connectors, and complete installation, including travel time for tech and truck
Eureka		YES	Type II Operations				Eureka County will cover the costs that exceed \$30,000
Operations	4,000.00					Yes	No more than \$2,000 for clerical assistance. REQUESTED MEETING MINUTES. REGD 3/24/09

FY2010 SERC - PLANNING, TRAINING, EQUIPMENT & OPERATIONS GRANT REQUESTS

COUNTY	AMOUNT OF REQUEST	COMPLIANT	Reported Level of Response	QUOTE ?	SFM ?	Mtg mins ?	EXPLANATION Items in blue were selected from Standard Equipment Price List, & don't require a quote
Humboldt		NO	Type III Awareness				Need: Plan updates; Exercise report; Meeting minutes (approving plan updates); & Membership list
Lander		NO	Type III Operations				APPLICATION POSTMARKED 3/18/09; By-laws returned for clarification - corrected copy not received
Operations	4,000.00					Yes	No more than \$2,000 for clerical assistance
Equipment	28,282.00			Partial			(4) 20-gallon overpack drums; (4) 5-gallon buckets; (6) 3-gallon sprayers; (4) Decon wash wands; (24) Orange traffic cones; (24) Cone weights; (4) Folding tables; (3) Command boards; (18) Decon zones tape - 6 ea. hot, warm, cold; (4) Wind sock w/frame; (2) Hazmat waste bags; (4) Air horns; (2) Megaphones; (12) Storm drain covers; (4) Spill dikes (4) Flood lights; (10) IC vests - 2ea. Commander, Decon, Safety, Operations, Medical; (2) Portable weather meter; (4) 65-gallon overpack drums; (2) water manifold kit; (2) Grey water bladder; (2) Decon shower sump pump; (10) Stools; (2) Portable hot water heaters; (2) Decon shower; (2) Stretcher decon; (2) Trailer mobile radios; (2) Hospital/EMS disp. Decon system; (2) Propane cylinders - QUOTE REQUESTED
Equipment	0.00						Committee recommended 0 equipment funds, due to late submittal of application
Lincoln		YES	Type III Operations				GOALS & OBJECTIVES DO NOT MATCH REQUEST. UPDATES REC'D 3/27/09.
Operations	4,000.00					Yes	No more than \$2,000 for clerical assistance
Equipment	30,000.00			Yes			Pahrump Valley Fire: (4) VX-P824 150-163 MHz P25 portable radios w/ antenna; (4) Submersible external speakers/microphones; (4) Li-Ion batteries; (4) 120 VAC rapid chargers; Panaca Fire: (1) Desktop computer; (1) Semi-rugged laptop computer with upgraded memory, case, charger and extra battery; Pioche Fire: (3) Globe Calidura GX-7 jacket; (5) Globe Calidura GX-7 trousers; (10) Shelby extrication gloves; (2) Bullard LTX deluxe helmet w/face shield; (2) Ranger rubber bunker boots; (10) Streamlite flashlights & mounts; Caliente Fire: (1) Laptop computer; (1) Honda Super Quiet Generator; Lincoln Fire: (1) G-XTREME Coat; (1) G-XTREME Pant; (1) Bullard LT Deluxe helmet system NFPA Thermoplastic fire helmet; (1) Ranger rubber firefighter boots; (1) PGI Carbon fiber hood; (1) FDP Gloves; (1) Firefighter Gear bag; (1) SCBA CBRN-Spartan Warrior; (1) Panther facepiece. Lincoln County will cover the costs that exceed \$30,000
Lyon		NO	Type I Technician				NEED AFFIDAVIT OF PUBLICATION - published, but affidavit not received from newspaper yet.
Operations	4,000.00					Yes	\$0 for clerical assistance
Equipment	29,999.00			Yes			Lyon County Human Services/Red Cross/Central Lyon Fire: (1) 7x14 trailer for shelter trailer; (1) 7x14 trailer for hazmat trailer; North Lyon Fire: (1) Atmosphere detector; (1) Personal computer; Smith Valley Fire: (1) Thermal imaging camera; Central Lyon Fire: (8) Tychem Responder training suits; Mason Valley Fire: (1) Laptop computer; (7) Minitor V pagers & chargers; Lyon County Sheriff: (1) GasAlertMicro5 PID; (5) Tyvek coveralls; Lyon County Emergency Management: (1) Laptop computer UPDATED QUOTE RECEIVED FOR TRAILERS, REDUCING COST FROM \$4,546 EA TO \$4,097 EA
	29,102.00						Reduce overall request by 897.00 to reflect cost savings from trailers
Montezuma		YES	Type III Operations				
Operations	4,000.00					Yes	No more than \$2,000 for clerical assistance
Equipment	19,025.00			Yes			(2) P-25 Compliant mobile radios & installation; (1) Biological agent detector
Nye		YES	Type II Technician				
	4,000.00					Yes	No more than \$2,000 for clerical assistance
Equipment	30,000.00			Yes			(8) SCBA upgrades-addition of Smart Talk Plus; (4) Entry RAE monitors; (2) ea ABC kits Nye County will cover the costs that exceed \$30,000
Pershing		YES	Type III Awareness				NEED MEETING MINUTES APPROVING GRANT APPLICATION. REC'D 3/27/09
Operations	4,000.00					Yes	\$2,000 for clerical assistance.
Equipment	30,000.00			Yes			(1) P25 digital base station radio system w/2nd receiver, staging, programming, set up & installation; (4) P25 digital portable radios; (4) Chargers; (4) Battery packs; (4) Speaker microphones. Pershing County hospital will cover the costs that exceed \$30,000

FY2010 SERC - PLANNING, TRAINING, EQUIPMENT & OPERATIONS GRANT REQUESTS

COUNTY	AMOUNT OF REQUEST	COMPLIANT	Reported Level of Response	QUOTE ?	SFM ?	MTG mins ?	EXPLANATION Items in blue were selected from Standard Equipment Price List, & don't require a quote
Storey		YES	Type II Technician Type I Operations				
Operations	4,000.00					Yes	No more than \$2,000 for clerical assistance
Equipment	30,000.00			Yes			(1) Solar changeable message sign - trailer mounted; (1) Blowerfare agent detection device; (1) NIOSH pocket guides to chemical hazards; (4) pH wide stick product testers; (1) Hydrocarbon detection device; (1) Confined space gas detector; (6) Collapsible buckets; (18) Dupont TYCHEM systems CPF-2 protective hooded coveralls (1) Easy roller non-ambulatory roller system Storey County will cover the costs that exceed \$30,000
Storey		YES	Type II Technician				
Operations	4,000.00					Yes	\$1,250.00 for clerical assistance
Equipment	28,994.00			Yes			North Lake Tahoe Fire: (4) Level B suits; (8) pairs gloves; Sparks Fire: (90) Nerve agent antidote kits; Reno Sparks Indian Colony: (1) SCBA; (1) 45-minute cylinder; (1) face piece; Regional Hazmat Response Team: (7) ITX 4-gas monitors; (1) DS2 Calibration docking station; (2) ISP motorized sampling pump; Washoe County Health: (2) GasAlert Micro5 PID 4-gas detectors; (2) Confined space kits; (2) Concussion proof boot; (3) Neck straps w/safety release; (2) Replacement oxygen sensor; Reno Police: (17) Camel-Bak hydration reservoirs - for use by Reno Police SWAT
White Pine		YES	Type III Operations				GOALS & OBJECTIVES DO NOT MATCH REQUEST - Match better next time
Operations	4,000.00					Yes	\$0 for clerical assistance
Equipment	28,817.00			Yes			(1) Mountain top communication repeater, antenna, duplexer, clamp sets, installation set up; (2) Desktop computers and printers; (1) Laptop computer and printer; (21) Swiss phone pager w/charges and case; (16) batteries for AED; (6) Adult defibrillator electrodes; (24) Lithium ion batteries; (1) Dell DLP projector
Training	1,383.00				Yes		(2) Personnel to Asbestos Refresher training in LV - registration, lodging, travel and per diem. Recommended to fund through HMEP training funds
Equipment	24,001.00						Batteries for AED (1975.00), defibrillator electrodes (250.00), and lithium ion batteries (2391.00) deducted from request
Training	1.00						Recommended to fund through HMEP training funds.
UNLV		YES	Type III Technician			N/A	NEED SIGNATURE OF AGENCY HEAD - REC'D 4/2/09 (SIGNATURE OF UNIVERSITY'S AUTHORIZED SIGNATURE DELEGATED BY CHANCELLOR THROUGH PRESIDENTS OF NSHE INSTITUTIONS)
Equipment	30,000.00			Yes			(1) First defender detection instrument
SERC		N/A				N/A	
Operations	32,884.00						\$13,770 for 2009 County database licenses; and \$19,094 for 2010 County database licenses
TOTALS							



EMERGENCY RESPONSE COMMISSION

2621 Northgate Lane, Suite 10

Carson City, Nevada 89706

Telephone (775) 687-6973 • Fax (775) 687-8798

Delivered via certified mail: 7006-0810-0002-0583-7199

June 8, 2009

Mark Bennett, Co-Chair
Lander County Local Emergency Planning Committee
P.O. Box 1625
Battle Mountain, NV 89820

RE: Appeal of SERC decision to deny Lander County LEPC FY10 SERC Grant Application

Dear Mr. *Mark* Bennett,

On May 21, 2009, the State Emergency Response Commission (SERC) received the appeal submitted on behalf of the Lander County Local Emergency Planning Committee (LEPC) dated May 19, 2009. The appeal was submitted in a timely manner pursuant to NAC 459.99189 and SERC policy 8.12. The Lander County LEPC appeals the SERC's decision to deny their 2010 SERC Grant Application for failure to submit or have postmarked by the March 13, 2009 deadline.

The SERC will consider the appeal on **July 9, 2009, at 9:00 a.m. at the Sparks Job Connect, 1675 East Prater Way, Suite 103, Sparks, Nevada.** Staff presentation will include grounds for the appeal, supporting documentation, information concerning the claim and recommendations for action by the SERC. Appearance may be made on behalf of the Lander County LEPC to present the appeal and the reasons the LEPC is not satisfied with the decision of the SERC.

Please do not hesitate to contact this office if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley".

Shelley Fleming
Grants and Projects Analyst

C Mark Langston, Co-Chair
William Schaeffer, Deputy District Attorney

07 March 2008

This
application
was due
3/7/08

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
CERTIFIED No. 7007 0220 0004 6857 3621

Nevada State Emergency Response Commission
2621 Northgate Lane, #10
Carson City, NV 89706

RE: FY09 SERC Planning, Training, and Equipment Grant for Local Emergency Planning Committees.

Dear SERC;

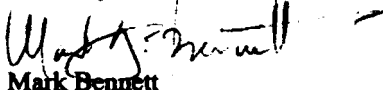
Lander County Local Emergency Planning Committee (LEPC) hereby submits an application for the State Emergency Response Commission fiscal year 2009, Planning, Training and Equipment (PTE) Grant. In review of the application, please note that due to various circumstances, several of the requirements were incomplete at the application submittal deadline. LEPC continues to work to resolve the outstanding requirements and will forward the following documents as they are completed:

Lander County Board of Commissioners approval of Grant Application;
A copy of the LEPC approved Lander County Emergency Operations Plan; and
State Fire Marshal's notice of Training Denial for the Lander County Emergency Operations Plan.

LEPC will present the SERC PTE Grant to the Lander County Board of Commissions at their regular meeting to be held on March 13th. Signatory approval of the grant application will be forwarded shortly thereafter. Code 3 Consultants continues the comprehensive update to the Lander County EOP, with a completion estimated by May 01, 2008. The communities within the county have been overwhelmingly supportive of the Plan update. While incorporation of the community input into the Plan has prolonged its completion date, LEPC is confident it will serve as the framework to meet the needs of the County for some time. The Plan will be submitted to the SERC for review and approval upon its completion. Additionally, a training denial letter from the State Fire Marshal will be forwarded upon our receipt. This denial should meet the requirement to allow the selection of an alternate trainer (see Grant Application). Lander County LEPC understands that grant funding will not be released until the conditions of all requirements are met.

Should you have any questions in these regards or require additional information, please contact me at 775.635.6649

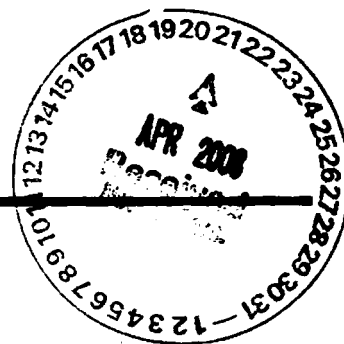
Sincerely,



Mark Bennett
Lander County LEPC Chair Person

cc: Mark Langston; Kathy Ancho

State Emergency Response Commission
2621 Northgate Lane, Suite 10, Carson City, NV 89706
(775) 687-6973 Fax: (775) 687-8798



Application Title Page

Applicant Lander County Local Emergency Planning
Agency: Committee Address: PO Box 1625
City: Battle Mountain Zip: 89820 Phone No: (775) 635-1100
FAX No: (775) 635-2577 E-mail Address: mark.bennett@newmont.com

Name of LEPC

Chair: Mark Bennett

Fiscal Officer: Rogene Hill Phone No: (775) 635-2573 Fax No: (775) 635-5332

Budget Summary:

Planning	Training	Equipment	TOTAL
\$0.00	\$900.00	\$28553.00 29,065	\$29,453.00 29,965

LOCAL EMERGENCY PLANNING COMMITTEE APPROVAL

On behalf of the Local Emergency Planning Committee I certify this body has reviewed the grant application and agree to abide by the Federal and State procedures which are related to the acceptance of funds.

Mark Bennett

(Signature LEPC Chair)

07 March 2008

Date:

GOVERNING BODY APPROVAL: (i.e. County Commissioner, County Manager)

The Local Emergency Planning Committee has the approval to apply for funding through this grant.

Chuck Chapin
(Signature)

04/10/08
Date:

Chuck Chapin, LC Commission Chair
(Print Name & Title)

March 06, 2007

State Emergency Response Commission
2621 Northgate Lane, Suite 10, Carson City, NV 89706
(775) 687-6973 Fax: (775) 687-8798

MAR 2008

Application Title Page

Applicant Lander County Local Emergency Planning

Agency: Committee

Address: PO Box 1625

Battle Mountain

Zip: 89820

Phone No (775) 635-1100

FAX No. (775) 635-2577

E-mail Address

mark.bennett@newmont.com

Name of LEPC

Mark Bennett

Fiscal Officer: Rogene Hill

Phone No: (775) 635-2573

Fax No. (775) 635-5332

Budget Summary:

Planning	Training	Equipment	TOTAL
\$0.00	\$900.00	\$28,553.00	\$29,453.00

LOCAL EMERGENCY PLANNING COMMITTEE APPROVAL:

On behalf of the Local Emergency Planning Committee I certify this body has reviewed the grant application and agree to abide by the Federal and State procedures which are related to the acceptance of funds.

W. J. Hill
(Signature LEPC Chair)

07 March 2008
Date:

GOVERNING BODY APPROVAL: (i.e. County Commissioner, County Manager)

The Local Emergency Planning Committee has the approval to apply for funding through this grant.

(Signature)

Date:

(Print Name & Title)

March 06, 2007

HAILED MARCH 7 - BG